

3-4.000 PERSONNEL MANAGEMENT

- 3-4.100 Introduction**
- 3-4.200 Personnel**
- 3-4.213 Excepted Service**
- 3-4.250 Personnel Management in Agencies**
- 3-4.273 Personnel Management Evaluation**
- 3-4.274 Corrective Actions**
- 3-4.293 Personnel Records**
- 3-4.294 Availability of Official Information**
- 3-4.295 Personnel Forms and Documents**
- 3-4.296 Processing Personnel Actions**
- 3-4.300 Employment (General)**
- 3-4.308 Volunteer Service**
- 3-4.316 Temporary Employment**
- 3-4.332 Recruitment and Selection Through Competitive Examination**
- 3-4.334 Temporary Assignment Under Intergovernmental Personnel Act**
- 3-4.335 Promotion and Internal Placement**
- 3-4.340 Other Than Full-Time Career Employment (Part-Time, Seasonal, On-Call, and Intermittent)**
- 3-4.430 Performance Management -- Performance Appraisal for Attorneys and Non-attorneys**
- 3-4.431 Performance Rating Grievances**
- 3-4.451 Incentive Awards**
- 3-4.511 Classification Under the General Schedule**
- 3-4.550 Pay Administration (General)**
- 3-4.610 Group Dismissals (Administrative Leave)**
- 3-4.620 Alternative Work Schedules**
- 3-4.630 Absence and Leave**
- 3-4.711 Labor-Management Relations**
- 3-4.720 Affirmative Employment Programs -- Upward Mobility Program**
- 3-4.731 Personnel Suitability**
- 3-4.734 Financial Disclosure Requirements**
- 3-4.792 Employee Assistance Program**
- 3-4.830 Retirement**

3-4.100 Introduction

Other reference(s): APHIs/Personnel/Chapter 000 #1; Chapter 002 #1; Chapter 003 #1

This title of the United States Attorneys' Manual (USAM) addresses personnel policy matters affecting the Executive Office of United States Attorneys and United States Attorneys' offices. Policy guidance is structured and numbered in parallel with Title 5 of the Code of Federal Regulations (CFR), to facilitate reference by users as well as maintenance of currency with respect to changes in personnel law and regulations.

Operational procedural and interpretive guidance is published in Administrative Procedures Handbook Issuances (APHIs) in the Personnel section of the United States Attorneys' Administrative Procedures Handbook.

In any instance where policy is not stated in this chapter, and in any instance where policy which is stated in this chapter erroneously conflicts with guidance published by higher authority, e.g., Justice-wide policies or Office of Personnel Management regulations, higher-level guidance will govern.

3-4.200 Personnel

Other reference(s): 28 C.F.R. § 0.15; 28 C.F.R. § 0.138

The employment, separation and general administration of personnel in the Senior Executive Service and of attorneys and law students regardless of grade or pay is delegated to the Deputy Attorney General. Certain of these authorities are redelegated to the Director, Executive Office for United States Attorneys (EOUSA).

The authority to take final action in matters pertaining to the employment, direction, and general administration of non-attorney/non-law student personnel in General Schedule (GS) grades GS-1 through GS-15 is delegated to the Director, EOUSA.

These authorities are subject to further delegation.

3-4.213 Excepted Service

Other reference(s): APHIs/Personnel/Chapter 213 #s 1-4; Chapter 295 #2; Chapter 300 #3; Chapter 315 #1; Chapter 720 #1; Chapter 831 #4; Chapter 990 #6; USAM Title 3-4.430; 5 C.F.R., Part 213; 28 U.S.C. § 543; 28 U.S.C. § 542

A. Attorneys, Assistant United States Attorneys. Attorneys appointed to the Executive Office for United States Attorneys (EOUSA) are excepted from the competitive service as Schedule A employees, 5 C.F.R. § 213.3102, and are compensated in accordance with the General Schedule.

Assistant United States Attorneys are appointed to United States Attorneys' offices (USAOs), are excepted from the competitive service under the aegis of 28 U.S.C. § 542, and are compensated in accordance with an administratively-determined pay system.

United States Attorneys are authorized to recruit, screen, and submit nominations of the best-qualified to serve as Assistant United States Attorneys.

B. Law Clerks -- Appointing Authority. Law Clerk appointments may be made to law school graduates who have not passed the bar, not-to-exceed 14 months or less under the aegis of 5 C.F.R. § 213.3102(e). For information on classification and funding, and the use of the Honors Program, see the EOUSA Resource Manual at 20.

C. Special Assistant United States Attorneys and Special Attorneys. The Director, EOUSA, is responsible for administering the Special Assistant United States Attorney (SAUSA) and Special Attorney program. Cross designation of State and Local attorneys and Assistant United States Attorneys, and appointment of Special Attorneys or Private Attorneys as SAUSAs, must be authorized by the EOUSA. See Administrative Procedures Handbook.

D. Summer Legal Intern Program -- Appointing Authority. Summer Legal Intern appointees receive appointments as Paralegal Specialists, GS-950, under the aegis of 5 C.F.R. § 213.3101. For information on eligibility and appointing procedures, see the EOUSA Resource Manual at 21.

E. Assignment of Attorney Work to Paralegal Specialists. *See generally* the EOUSA Resource Manual at 22.

F. Student Educational Employment Program (SEEP). *See generally* the EOUSA Resource Manual at 23.

G. Separation of the Schedule C Secretary to the United States Attorney. *See generally* the EOUSA Resource Manual at 151.

3-4.250 Personnel Management in Agencies

Other reference(s): 5 U.S.C. §§ 2903 and 3331; 5 C.F.R., Part 250; USAM 3-4.200

A. General. It is the policy of the Executive Office for United States Attorneys (EOUSA) to accomplish the most efficient and effective mix of centralized/decentralized services which will satisfy mission requirements while ensuring the integrity of all statutory and regulatory requirements of the Federal personnel system. Accordingly, selected personnel authorities may be delegated to particular United States Attorneys' offices (USAOs) to the extent that such a delegation will promote the effective accomplishment of the mission of the USAO. Specific delegations will be in writing, and are subject to modification or revocation as necessary.

B. Oath of Office. All employees are required to execute an oath of office (Appointment Affidavit, SF-61) upon appointment (*see* 5 U.S.C. §§ 2903, 3331). The Director, EOUSA, is authorized to administer personally and to delegate authority to administer the oath of office. United States Attorneys and the Assistant Director, Personnel Staff, are delegated such authority by the Director, EOUSA. Any redelegation of this authority must be in writing.

3-4.273 Personnel Management Evaluation

Other reference(s): 28 C.F.R. § 0.22

Personnel management evaluations will be conducted on a regular basis for districts with specific written delegations of personnel authority from the Executive Office for United States Attorneys. The purpose of these evaluations is to: assess and analyze the effectiveness of the personnel management program in the United States Attorney's office; assist in identification and resolution of personnel management problems; assess compliance with governing laws, regulations and policies; and analyze the overall organizational effectiveness of the personnel management program of the office. Recommendations on methods to resolve any problems identified during the review will be rendered by an evaluation team charged with the responsibility for conducting the review.

3-4.274 Corrective Actions

Other reference(s): None

United States Attorneys' offices (USAOs) which have been delegated personnel authority are responsible for taking all appropriate corrective actions to ensure personnel actions processed fully comply with applicable guidelines. Failure by a USAO to take such corrective actions may serve as a basis for withdrawal or suspension of delegated personnel authority in accordance with USAM 3-4.250.

3-4.293 Personnel Records

Other reference(s): APHIs/Personnel/Chapter 293 #s 1 & 2; OPM Operating Manual - Guide to Processing Personnel Actions; OPM Operating Manual - Guide to Personnel Recordkeeping; 5 C.F.R., Part 293

Official personnel files will be maintained by the Personnel Staff, Executive Office for United States Attorneys (EOUSA), or by the United States Attorney's office with authority delegated by EOUSA.

3-4.294 Availability of Official Information

Other reference(s): 5 C.F.R., Part 294; 28 C.F.R. § 16

Requests for disclosure of personnel information are to be forwarded to the Personnel Staff, Executive Office for United States Attorneys (EOUSA), or to the United States Attorney's office if it has been delegated personnel authority by EOUSA.

3-4.295 Personnel Forms and Documents

Other reference(s): APHIs/Personnel/Chapter 295 #s 1 & 2; Chapter 990 #s 6, 9, 11 and 15; OPM Operating Manual - Guide to Processing Personnel Actions

All offices are to use the forms and documents designated in the United States Attorneys' Manual and the United States Attorneys' Administrative Procedures Handbook unless procedural instructions grant exceptions for certain delegated districts.

3-4.296 Processing Personnel Actions

Other reference(s): APHIs/Personnel/Chapter 213 #1; Chapter 293 #s 1 & 2; Chapter 296 #s 1, 4, 5 and 6; OPM Operating Manual - Guide to Processing Personnel Actions

Specific instructions on processing personnel actions applicable to all servicing personnel offices are contained in the United States Attorneys' Administrative Procedures Handbook.

Effective dates of personnel actions will be set in accordance with the above-cited references.

3-4.300 Employment (General)

Other reference(s): APHIs/Personnel/Chapter 300 #s 1, 2, 3, 5, 6, and 7; Chapter 315 #1; Chapter 338 #4; 5 C.F.R., Part 300

A. Personnel. The authority to take final action in all matters pertaining to the employment, separation and general administration of:

- Non-attorney personnel (not including law students) in United States Attorneys' offices (USAOs) and the Executive Office for United States Attorneys (EOUSA) has been delegated to the Director, EOUSA (see 28 C.F.R. § 0.138); and the Executive Office may, and has, delegated authority beyond that described in this chapter to individual USAOs.
- With respect to Assistant United States Attorneys authority has been delegated to the Deputy Attorney General (*see* 29 C.F.R. § 0.15), with certain authorities redelegated to the Director, EOUSA. The Director's authority may not be redelegated. The authority to appoint Assistant United States Attorneys has been delegated to the Director, OAPM. *See also* 3-2.200.

The Executive Office may delegate authority beyond that described in this chapter to individual United States Attorneys' offices.

All recruitment will be conducted with an affirmative effort to achieve the goal of providing an equal opportunity for employment to as many interested, qualified applicants as possible.

Appointments in EOUSA and USAOs are restricted to United States citizens or those who owe permanent allegiance to the United States (currently, natives of American Samoa are the only group that owes permanent allegiance to the United States).

B. Employee Orientation. The EOUSA and USAOs will provide for a well-planned, organized, and systematic program which will orient new employees to the mission of their office and to their individual jobs. *See generally* the EOUSA Resource Manual at 26.

C. Filling Vacant Secretary to the United States Attorney Positions. To allow incoming United States Attorneys to create a vacancy in the position of Secretary to the United States Attorney (SUSA) and facilitate the placement of a confidential assistant of their choosing, all vacant SUSA positions are to be filled by term appointment, time-limited promotion, or reassignment. Term appointment is a nonstatus appointment in the competitive service for a specified period exceeding one year but not more than four years. Time-limited promotion is an assignment of a current employee to a higher-grade position (with attendant salary increase) for a temporary period not to exceed five years. Reassignment is an assignment of a current employee to a position at the same grade level. *See generally* the EOUSA Resource Manual at 27.

D. Hosting Enrollees of Federal Grant Programs. *See generally* the EOUSA Resource Manual at 28.

3-4.308 Volunteer Service

Other reference(s): APHIs/Personnel/Chapter 296 # 6; 5 C.F.R., Part 308; OPM Operating Manual - Guide to Processing Personnel Actions

The Civil Service Reform Act of 1978 provides authority for accepting services from students without providing monetary compensation. This authority is to supplement, but not replace, employment programs in which students are paid. No other volunteer programs are authorized in the Executive Office for United States Attorneys (EOUSA) or any United States Attorney's office (USAO). For more information on volunteer service, see the EOUSA Resource Manual at 29.

3-4.316 Temporary Employment

Other reference(s): APHIs/Personnel/Chapter 300 #1; Chapter 315 #1; Chapter 316 #s 1 & 2; Chapter 332 #2; Chapter 335 #1; Chapter 831 #4; 5 C.F.R., Part 316

Requests for temporary workyear allocations must be justified in writing and submitted to the attention of the Deputy Director for Financial Management, Executive Office for United States Attorneys.

Prior to requesting temporary appointments and extensions, approval is required from the Personnel Staff, EOUSA.

3-4.332 Recruitment and Selection Through Competitive Examination

Other reference(s): APHIs/Personnel/Chapter 315 #1; Chapter 332 #s 1 & 2; Chapter 335 #1; 5 C.F.R., Part 332

Office of Personnel Management Certification and Objections to Eligibles. Districts that do not have delegated personnel authority can make no commitment to an applicant prior to completion of the certification process and approval by the Personnel Staff, Executive Office for United States Attorneys (EOUSA).

Districts that do not have delegated personnel authority will submit all Statement of Reason for Passing Over a Preference Eligible (SF-62) forms to be reviewed by the Personnel Staff, EOUSA, prior to submission to the Office of Personnel Management.

All nonselected applicants who expressed an interest in a vacancy are to be sent a courtesy rejection letter after the appointment has been approved. Districts that do not have delegated personnel authority must obtain approval of the Personnel Staff to make appointments.

3-4.334 Temporary Assignment Under Intergovernmental Personnel Act

Other Reference(s): APHI/Personnel/Chapter 300 #2; 5 C.F.R., Part 334

A. Sabbatical Program. Subject to case-by-case approval by the Assistant Director, Personnel Staff, Executive Office for United States Attorneys (EOUSA), United States Attorneys are authorized to establish sabbatical programs with law schools. Assistant United States Attorneys may spend no more than one full year teaching at a law school and a professor from that law school may spend a similar period of time working in the United States Attorney's office (USAO). This program will give selected Assistant United States Attorneys a break from their routine, an opportunity to "recharge their batteries," and a chance to do some in-depth research in their areas of interest.

This program has been established under the provisions of the Intergovernmental Personnel Act of 1970 (5 C.F.R. § 334) and the Civil Service Reform Act of 1978 (P.L. 95-454), which, inter alia, permit exchanges between the Federal Government and institutions of higher learning. In every case, a formal agreement must be entered into between the school and the Director, EOUSA, and the employee must agree to the assignment.

To be eligible, an Assistant United States Attorney normally will have at least five years of experience with the USAO and have expressed the intent to remain with the office for at least two years after completion of the sabbatical. Of course, the law school must agree to the specific Assistant United States Attorney as well as to the courses to be taught.

Professors selected for this program will be appointed as Special Assistant United States Attorneys. They must be interested in trial work, meet any local bar membership requirements, and successfully complete a full-field background investigation. The professors must agree that information gained during their year with the

Department will be kept confidential and that any articles written about their assignments will be cleared through the Department of Justice.

B. Cross Designation of Federal Prosecutors as State and Local Prosecutors. To cross designate a federal prosecutor as a State or Local Prosecutor, approval is required from the Assistant Director, Personnel Staff, EOUSA. Appointments are subject to some security restrictions. Assignments are authorized upon the request from or with the concurrence of a state or local government, and with the consent of the employee concerned.

An Assistant United States Attorney assigned as a state or local prosecutor is deemed, during the assignment, to either be on detail to a regular work assignment or on leave without pay.

3-4.335 Promotion and Internal Placement

Other reference(s): APHIs/Personnel/Chapter 300 #s 5 & 7; Chapter 315 #1; Chapter 316 #1; Chapter 332 #2; Chapter 335 #s 1-6; Chapter 338 #1; 5 C.F.R., Parts 335 and 410

NOTE: Neither the Department's Career Transition Assistance Plan nor the Interagency Career Transition Assistance Plan are addressed in this document. Guidance on these topics will be promulgated separately and incorporated into this document at a later date.

Policy. It is the policy of the Executive Office for United States Attorneys (EOUSA) and United States Attorneys' offices (USAOs) to utilize employee skills and potential to the fullest in filling vacancies and to select, assign, and promote employees solely on the basis of job-related criteria and without regard to race, color, creed, age, national origin, sex, nondisqualifying disabilities, politics, membership or nonmembership in employee organizations, marital status, personal favoritism or patronage.

An extensive discussion of Promotion and Internal Placement procedures is in the EOUSA Resource Manual at 30 et seq.

3-4.340 Other Than Full-Time Career Employment (Part-Time, Seasonal, On-Call, and Intermittent)

Other reference(s): 5 C.F.R., Part 340

Policy. It is the policy of the Executive Office for United States Attorneys (EOUSA) and the United States Attorneys' offices (USAOs) to provide part-time, permanent employment opportunities consistent with the Federal Employees Part-Time Career Employment Act of 1978. The nationwide goal of EOUSA and USAOs is to attain and maintain a one percent or higher, constant percentage of part-time employment to full-time employment.

For information on responsibilities, limitations, and reporting requirements, see the EOUSA Resource Manual at 51.

3-4.430 Performance Management -- Performance Appraisal for Attorneys and Non-attorneys

Other reference(s): APHIs/Personnel/Chapter 430 #s 1 & 2; OAPM Memorandum 94-8-A, or, if applicable, its replacement memorandum; 5 C.F.R., Parts 430 and 771

A. Employee Coverage. All United States Attorneys' offices (USAO) and Executive Office for United States Attorneys (EOUSA) employees are covered by the provisions of this section except for the following:

1. Senior Executive Service (SES) employees;
2. Positions filled by Noncareer Executive Assignments;
3. Employees or positions for which employment is not reasonably expected to exceed 120 calendar days in a consecutive 12-month period; or
4. Positions otherwise specifically excluded by law or regulation.

B. Responsibilities.

1. The United States Attorney is the highest level of review for the purpose of establishing Performance Work Plans and evaluating performance.
2. The Director, EOUSA, is considered the highest level of review in EOUSA, and is responsible for the resolution of all performance grievances.

C. Appraisal Periods. Appraisal periods for USAO and EOUSA employees can be found in the EOUSA Resource Manual at 52.

D. Rating and Reviewing Officials.

1. Assignment of responsibility as a rating or reviewing official is determined by the United States Attorney or the Director, EOUSA, as appropriate. Generally, responsibility as a rating official should be assigned to the lowest practical supervisory level within the organization. Similarly, responsibility as a reviewing official should be assigned to the lowest practical level above the rating official.
2. When the United States Attorney or the Director, EOUSA, is the rating official, s/he shall also serve as the reviewing official.

E. Performance Work Plans. A Performance Work Plan (PWP) containing one or more critical performance elements will be developed for each covered employee. Non-critical performance elements may not be included. Employee input is strongly encouraged in developing PWPs. For further information, see the EOUSA Resource Manual at 53.

F. Progress Reviews. At least one formal progress review will be held during the appraisal cycle. At the progress review, the employee's accomplishments relative to each performance element will be discussed. The employee and the rating official will sign and date the employee's PWP to document the completion of each formal progress review.

G. Formal Appraisal of Performance. Rating officials should collect information regarding each employee's performance sufficiently in advance of the end of the appraisal cycle to ensure timely delivery of a completed, approved, formal appraisal of performance. Employee input should be encouraged to insure all relevant accomplishments are considered by the rating official. For further information on this topic, see the EOUSA Resource Manual at 54.

H. Details and Temporary Promotions within the Department.

1. Written performance elements and standards shall be provided to an employee who is detailed or temporarily promoted within the Department for more than 90 days. Elements and standards shall be provided to the employee no later than 30 days after the effective date of the detail or temporary promotion.
2. The reviewing official shall approve the interim rating prior to formal communication to the employee.

I. Actions Based on Less Than Fully Successful Performance. Whenever a supervisor concludes that an employee's performance is not acceptable and would cause one or more performance elements to be evaluated at the "Fails to Meet Expectations" level, the supervisor must:

1. Advise the employee of specific shortcomings between observed performance in the critical element(s) under scrutiny and the performance standard(s) associated with the particular element(s);
2. Provide the employee with a full opportunity to explain the observed deficiencies; and
3. Prepare a memorandum to the file summarizing the above discussions. The employee shall be provided a copy.

3-4.431 Performance Rating Grievances

Attorneys and non-attorneys in USAOs, and attorneys and non-attorneys, except members of the SES, in EOUSA, who want to contest a performance rating must adhere to the following procedures.

The Director, EOUSA, is responsible for deciding performance rating grievances submitted by all attorneys and non-attorneys within the USAOs and EOUSA. This includes those attorneys and non-attorneys on detail to EOUSA and employees of EOUSA who are detailed to USAOs. However, those individuals who are members of the Senior Executive Service are excluded from this grievance process. The Director may delegate all or a portion of the responsibility to a designee. The designee may not be an official who was involved in rating the employee's performance or an official who is subordinate to an official who was involved in rating the employee's performance. For more information, see the EOUSA Resource Manual at 55.

3-4.451 Incentive Awards

Other reference(s): APHIs/Personnel/Chapter 213 #2; Chapter 296 #4; Chapter 312 #3; Chapter 451 #s 1-4; 5 C.F.R., Parts 451 and 531

The Department of Justice has an established awards program designed to recognize and reward superior performance by its employees. The awards program for United States Attorneys' offices (USAO) personnel is administered by the Executive Office for United States Attorneys (EOUSA). Annually, the Director, EOUSA, solicits nominations for recognition of special achievements. *See* the EOUSA Resource Manual at 56.

3-4.511 Classification Under the General Schedule

Other reference(s): APHIs/Personnel/Chapter 295 #1; Chapter 312 #s 1-3; Chapter 511 #s 1-3; Chapter 551 #1; 5 C.F.R., Part 511

A. United States Attorneys and Assistant United States Attorneys. United States Attorneys and Assistant United States Attorneys are not covered by the Classification Act of 1949; consequently, they do not have position descriptions. The Executive Office for United States Attorneys, however, maintains records indicating which attorneys handle specialized functional areas, such as criminal or civil matters, or who have supervisory responsibilities. Thus, Assistant United States Attorneys are assigned numbers, called "Master Record Numbers"

(the National Finance Center's nomenclature for "position description numbers"), which reflect their functional specialties.

B. Delegated Classification Authority. Certain United States Attorneys have been delegated classification authority. As the parameters of the delegations vary, a specific letter is transmitted detailing the scope of authority. Any action which is effected is to comply fully with Office of Personnel Management Position Classification Standards.

C. Position Management.

1. Responsibility. United States Attorneys and the Director of the Executive Office for United States Attorneys are responsible for organizing and assigning work among positions in their respective organizations in a manner which will serve mission needs effectively and economically. This includes achieving a proper balance between skills availability, funds limitations, sound human resource utilization, efficiency and economy, mission requirements, and matters of public policy.

2. Workyear Ceilings. Approved FTE workyear ceilings in each employment category (Assistant United States Attorney, paralegal, support staff, and student) are not to be exceeded unless an exception is requested and approved. To request an exception to workyear ceilings in each employment category (Assistant United States Attorney, paralegal, support staff, and students), for each type of appropriation, approval is required by the Deputy Director for Financial Management, EOUSA.

3. Position Descriptions. Managers are responsible for ensuring that current, factually correct position descriptions (PDs) are prepared for all positions paid on the basis of the General Schedule (e.g., GM and GS). Pds are necessary for purposes in addition to classification, such as recruitment, placement, training, and performance evaluation.

4. Projected Positions. The term "projected position" in the context of this section means a support position which is established in advance of the date the duties and responsibilities actually materialize. In order to verify that duties and responsibilities have materialized as expected, projected positions must be desk audited within six months after they are occupied.

Information on related topics is available in the EOUSA Resource Manual at 57 et seq.

| | |
|---|-----------------------------|
| Pay Under the General Schedule, Within-Grade Salary Increases | EOUSA Resource Manual at 57 |
| Pay Under Other Systems | EOUSA Resource Manual at 58 |
| Grade and Pay Retention | EOUSA Resource Manual at 59 |

3-4.550 Pay Administration (General)

Other reference(s): APHIs/Personnel/Chapter 550 #s 1, 3 and 4; 5 C.F.R., Part 550

A. Overtime. United States Attorneys or their designees are authorized to approve paid overtime for their non-attorney staffs, subject to availability of overtime budget.

Pursuant to 5 C.F.R. § 550.111, any approval of overtime must be documented in writing by a person authorized to do so. It is recommended that the United States Attorney redelegate, in writing, this approval authority (normally, this redelegation would be to the Administrative Officer or to supervisors who are delegated authority to approve Time and Attendance records).

United States Attorneys are NOT authorized to approve overtime premium pay for attorney personnel. Assistant United States Attorneys are professionals and should expect to work in excess of regular hours without overtime premium pay.

Overtime compensation earned while in travel status will be controlled for nonexempt General Schedule (GS) employees by telling the employee when to travel and by what mode. If the employee travels at a different time or by a different mode than that which was ordered, the employee receives the lesser amount of compensation based on actual and estimated travel.

B. Compensatory Time. It is the policy of the Executive Office for United States Attorneys (EOUSA) that employees must use any compensatory time off they have earned prior to annual leave.

C. Time and Attendance Reports. Unless an exception is specifically authorized by the Director, EOUSA, only the United States Attorney may sign his/her own Time and Attendance report, as certifying official.

D. Hours of Duty. *See* the EOUSA Resource Manual at 60.

3-4.610 Group Dismissals (Administrative Leave)

A. With the noted exception, the Director, EOUSA, and United States Attorneys are: authorized to grant absence from duty without charge to leave or without loss of compensation (otherwise known as administrative leave) consistent with sound management practices. (NOTE: This authority is not delegated for dismissal of groups of employees in the Washington, D.C. Metropolitan area; that authority is retained by the Justice Management Division).

B. Emergency Situations. With the noted exception, the Director, EOUSA, and United States Attorneys or their designees may close an office and place employees on administrative leave when it is in the best interest of the government to do so or the personal safety of the office personnel requires it; i.e., bomb threats, snowstorms, floods, etc. (NOTE: Dismissals of employees in the Washington, D.C. Metropolitan area, due to weather conditions, are authorized by OPM).

The Director, EOUSA, and United States Attorneys are responsible for designating and informing in writing those employees designated "essential" whose presence on the job is required regardless of any general dismissal authority.

In the event of a prolonged breakdown of essential building services, the United States Attorney may close an office or part of an office and place employees on administrative leave. In those cases, it clearly must be established by reasonable standards of judgment that the conditions are such as to actually prevent working. The office should consider the physical requirements of the positions involved. Equity does not require that if a group of employees are dismissed, other employees also must be dismissed.

3-4.620 Alternative Work Schedules

Other reference(s): APM/Personnel/Chapter 620 #1; 5 C.F.R., Part 610

Flexitime. Flexitime is subject to the approval of the official delegated authority to fix and change work schedules (*see* United States Attorneys' Manual Title 3-4.610). Because employees have a great deal of discretion under a flexible schedule (e.g., arrival and departure times and the alternate day off for employees working a "flexible" 5-4-9 schedule), management must establish a written "flexitime" policy for the office that includes the following:

1. Proposed core hours and flexible hours;

2. Whether arrival and departure time will be set on a daily or weekly basis;
3. Plans for maintaining time and attendance records;
4. Additional building costs resulting from flexitime, if any, and potential savings in overtime or other expenses; and
5. Proposed effective date.

The Personnel Staff, EOUSA, will provide offices considering the use of flexitime with further guidance on development and implementation. Written "flexitime" plans foster good communication between management and employees working under flexible schedules. These plans are necessary to resolve disputes and form the documented basis for any disciplinary actions management may deem necessary for employees abusing the flexitime work schedule.

3-4.630 Absence and Leave

Other Reference(s): APHIs/Personnel/Chapter 296 #5; Chapter 630 #s 1-4; Chapter 890 #4; Chapter 990 #s 13 & 15; 5 C.F.R., Part 630

A. General. See the EOUSA Resource Manual at 61.

B. Excused Absences (Also known as Administrative Leave).

1. Voting and Registration.

- United States Attorneys or their designees are authorized to administer procedures and leave limits to be followed for employees who wish to register and vote in local, state or national elections.
- Administrative Officers are responsible for disseminating information to serviced employees as to procedures to be followed in voting and registration leave requests.

2. Blood Donation. The Department encourages participation in blood donation programs. Contributions to these important programs benefit the community at large and thus every member of the Department. Office heads or their designees may excuse an employee up to an hour to give blood. In addition, up to four hours of administrative leave may be granted the employee for recuperative purposes, if needed. An employee who feels well and is able to work after donating blood must return to his/her duty station.

3. Admission to the Bar. Administrative leave may be granted by office heads or their designees, however, it may not be authorized for studying for or taking bar exams.

4. Official Time for Employee Representational Functions. The Director, EOUSA, and United States Attorneys, or their designees, are authorized to approve official time for representational functions after determining that such time is reasonable and mutually beneficial to the office and its employees.

5. Attendance at Events Without Charge to Leave. Excused absence may be granted in limited circumstances when an event:

- Is directly related to the office's mission;
- Will enhance the professional development or skills of the employee in his/her current position (See the EOUSA Resource Manual at 12); or
- Is officially sponsored/sanctioned by the Attorney General.

United States Attorneys may, at their discretion, grant employees a reasonable amount of time charged as excused absence to attend events such as training, conferences, or conventions as an official representative of the office or as a contributor on the agenda without charge to leave.

C. Funeral Leave. The Director, EOUSA and United States Attorneys, or their designees, are authorized to grant funeral leave for funerals of certain military members in accordance with the provisions of 5 C.F.R.

D. Leave Without Pay (LWOP). The Director, EOUSA, and United States Attorneys, or their designees, are authorized to approve all requests for LWOP, including those for periods in excess of 30 days. Office heads are also responsible for assuring that requests for LWOP have been reviewed by the employee's supervisor to assure that the value to the Government or the serious needs of the employee are sufficient to offset the cost and inconvenience which result from retaining an employee in a leave without pay status. *See* the EOUSA Resource Manual at 62.

3-4.711 Labor-Management Relations

Other reference(s): APhi/Personnel/Chapter 711 #1; 5 C.F.R., Part 711

See the EOUSA Resource Manual at 63.

3-4.720 Affirmative Employment Programs -- Upward Mobility Program

Other reference(s): APhi/Personnel/Chapter 296 #5; Chapter 315 #1; Chapter 720 #1; 5 C.F.R., Part 720

It is the policy of United States Attorneys' offices (USAOs) to effectively utilize their personnel resources by increasing the opportunities of lower-level employees to attain their full employment potential. To that end, the following Upward Mobility Program, which consists of three components (career and educational counseling, basic skills training, and job restructuring) has been developed. The Upward Mobility Program is designed to supplement the Merit Staffing Plan. For further information see the EOUSA Resource Manual at 64.

3-4.731 Personnel Suitability

Other reference(s): APhi/Personnel/Chapter 300 #7; Chapter 732 #s 1 & 3; Chapter 792 #2; 5 C.F.R., Part 731

Because of the nature of their work, the Organized Crime Drug Enforcement Task Force (OCDETF) offices have special security requirements which must be observed.

Since its inception, the OCDETF program has required that all newly-appointed personnel have a satisfactorily adjudicated full-field background investigation completed before physically working in OCDETF offices or before being assigned to perform OCDETF work.

This requirement may not be waived for students or other temporary staff to be used in these offices. Temporary staffing shortages in OCDETF offices may be covered by employees that have had a full-field background investigation conducted and satisfactorily adjudicated on "loan" from the United States Attorney's office.

3-4.734 Financial Disclosure Requirements

Other reference(s): APhi/Personnel/Chapter 296 #5; 5 C.F.R., Parts 734 and 2634

A. Public Financial Disclosure Report (SF-278). Title I of the Ethics in Government Act of 1978, as amended, requires covered employees, all United States Attorneys, Assistant United States Attorneys who are in authorized-for-pay supervisory or Senior Litigation Counsel positions, and Schedule C employees, to file a Public Financial Disclosure Report (Standard Form 278, Rev. 1/94) within 30 days after assuming their covered position. Reports must be filed each May 15 for the preceding calendar year, and within 30 days after the employee leaves his or her covered position for the period between the last annual report and the date employment is terminated (*see* 5 C.F.R. §§ 2634.201 and 202). Reports are not required from employees who serve 60 days or less (*see* 5 C.F.R. § 2634.204). Anyone who files a Public Financial Disclosure Report more than 30 days after its due date, including any extensions which have been granted, shall pay a late filing fee of \$200 (*see* 5 C.F.R. § 2634.704).

B. Confidential Financial Disclosure Reports (SF-450). Effective June 10, 1994, United States Attorneys were redelegated the authority to act as Deputy Designated Agency Ethics Officials for the review and certification of Confidential Financial Disclosure Reports filed by reporting individuals within their district.

Title I of the Ethics in Government Act of 1978, as amended, requires employees occupying positions in which they exercise significant judgement on matters that have an economic effect on the interests of a non-Federal entity to file a Confidential Financial Disclosure Report (Standard Form 450). This includes duties involving contracting, procurement and the administering of grants (*see* 5 C.F.R. § 2634.904). Reports must be filed 30 days upon entering a covered position and annually by October 31. The reporting period for a New Entrant is the preceding 12 months from the date of filing and the annual reporting period is the preceding 12 months ending September 30 (or any portion thereof not covered by a new entrant report) (*see* 5 C.F.R. § 2634.908). Reports are not required from employees who serve less than 60 days. The Office of Government Ethics has approved the Department's use of a conflict of interest certification as an alternative method to filing the report for all line Assistant United States Attorneys.

C. Teaching and Lecturing. Employees should be cautious to avoid any conflict of interest with their position and to ensure that no interference with the performance of their official duties occurs.

D. Civic Organizations, Professional Boards and Committees. While certain activities (e.g., Community Chest) can be easily undertaken without creating problems, membership in national and local bar committees, state and municipal commissions, corporate boards of directors, arbitration panels, and similar organizations, with or without remuneration, could have the potential for creating a conflict of interest or an appearance of a conflict of interest. The Office of Legal Counsel (OLC), Executive Office for United States Attorneys, should be contacted whenever questions arise.

E. Gifts Received from Foreign Governments. In accordance with Justice Property Management Regulations (JPMR) § 128-49.201, each United States Attorney's office is required to submit to the Executive Office, Attention: Facilities Management and Support Services, by January 11 each year, a listing of all gifts and decorations, regardless of value, received by employees, their spouses, or dependents from foreign governments during the preceding year.

3-4.792 Employee Assistance Program

Other reference(s): APhi/Personnel/Chapter 296 #5; Chapter 792 #s 1 & 2; 5 C.F.R., Part 792

See the EOUSA Resource Manual at 65.

3-4.830 Retirement

Other reference(s): APHIs/Personnel/Chapter 830 #1; Chapter 831 #s 1, 2, 4, 5, and 6; Chapter 990 #s 1, 7 and 10; OPM Operating Manual, The CSRS and FERS Handbook for Personnel and Payroll Offices; 5 C.F.R., Parts 831, 835, 837, 838, 841, 842, 843, 844, 845 and 846

See the EOUSA Resource Manual at 66.